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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/612,067	NAUMANN, JOEL
	Examiner	Art Unit
	Joshua Kading	2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 August 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-10 and 12-24_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1, 3-10, 12-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment to the claims filed on 30 August 2004 does not comply with the

requirements of 37 CFR 1.121(c) because the canceled claims status is not a correct

5   label and the claims contain the text of the canceled claim. Amendments to the claims

filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

         (c) *Claims*. Amendments to a claim must be made by rewriting the entire claim
     with all changes (*e.g.*, additions and deletions) as indicated in this subsection, except
10   when the claim is being canceled. Each amendment document that includes a change
     to an existing claim, cancellation of an existing claim or addition of a new claim, must
     include a complete listing of all claims ever presented, including the text of all pending
     and withdrawn claims, in the application. The claim listing, including the text of the
     claims, in the amendment document will serve to replace all prior versions of the claims,
15   in the application. In the claim listing, the status of every claim must be indicated after
     its claim number by using one of the following identifiers in a parenthetical expression:
     (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented),
     (New), and (Not entered).
              (1) *Claim listing*. All of the claims presented in a claim listing shall be
20 . presented in ascending numerical order. Consecutive claims having the same status of
     "canceled" or "not entered" may be aggregated into one statement (*e.g.*, Claims 1–5
     (canceled)). The claim listing shall commence on a separate sheet of the amendment
     document and the sheet(s) that contain the text of any part of the claims shall not
     contain any other part of the amendment.
25   (2) *When claim text with markings is required*. All claims being currently
     amended in an amendment paper shall be presented in the claim listing, indicate a
     status of "currently amended," and be submitted with markings to indicate the changes
     that have been made relative to the immediate prior version of the claims. The text of
     any added subject matter must be shown by underlining the added text. The text of any
30   deleted matter must be shown by strike-through except that double brackets placed
     before and after the deleted characters may be used to show deletion of five or fewer
     consecutive characters. The text of any deleted subject matter must be shown by being
     placed within double brackets if strike-through cannot be easily perceived. Only claims
     having the status of "currently amended," or "withdrawn" if also being amended, shall
35   include markings. If a withdrawn claim is currently amended, its status in the claim
     listing may be identified as "withdrawn—currently amended."
              (3) *When claim text in clean version is required*. The text of all pending
     claims not being currently amended shall be presented in the claim listing in clean

version, *i.e.*, without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the

5   immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing

10   with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was

15   previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

20   obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

25   Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-10, 12-21, and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over applicant's admitted prior art (AAPA) in view of Bontemps et al. (U.S.

Patent 5,923,663).

30

In regards to claim 1, AAPA discloses "a communication system having a router,

said router having a PCI-compliant front card, said front card begin configured to accept

a LAN or WAN compliant back card, a method for detecting the absence of a Phy Layer

device on the back card and communicating said absence to the front card, said method

comprising:

    receiving, by...the front card, a sensing signal from the back card (Specification,

page 3, lines 2-14)..."

5   However, AAPA fails to teach "...a switching input of a tri-state buffer..." and "if

said sensing signal is a logical low, then coupling a IDSEL signal corresponding to a

particular channel of said back card to said front card; and if said sensing signal is not

low, then decoupling said IDSEL signal from said front card and providing a logical low

signal in the place of said IDSEL line."

10   Bontemps however, discloses "...a switching input of a tri-state buffer (figure 2,

element 222 and figure 4 where element 222 is the function equivalent of the tri-state

buffer by allowing a select signal to be asserted when a device is detected as can be

read in col. 11, lines 25-38)..." and "if said sensing signal is a logical low, then coupling

a IDSEL signal corresponding to a particular channel of said back card to said front

15   card; and if said sensing signal is not low, then decoupling said IDSEL signal from said

front card and providing a logical low signal in the place of said IDSEL line (col. 11, lines

25-38; it is noted that although Bontemps does not disclose the sensing signal to be low

when the select signal is coupled, it is a matter of design choice how the sensing signal

is interpreted because there are only two states and if one state, such as low, affects

20   the response of coupling, then the other state, in this case high, will result in the

decoupling or opposite response; it is also noted that although the "toggle state" of

Bontemps is not consistently providing a "logical low" in response to a given state of the

sensing line, it is providing the same effect of decoupling the select line)."

It would have been obvious to one with ordinary skill in the art at the time of

invention to include the "tri-state buffer" and the "coupling/decoupling of the IDSEL line"

5   with the front and back cards of AAPA for the purpose of allowing detection of devices

to a port. The motivation being quicker establishment of communication links through

detected devices by eliminating a "trial and error" approach to appropriately connecting

devices.

10   In regard to claim 3, AAPA and Bontemps disclose "the method of claim 1".

However, AAPA lacks "said tri-state buffer further has an input and an output, said input

and output being serially disposed on a IDSEL line corresponding to a particular

channel." Bontemps however, further discloses "said tri-state buffer further has an input

and an output, said input and output being serially disposed on a IDSEL line

15   corresponding to a particular channel (figure 2, element 22 and figure 4, where the input

and outputs of element 222 are serially disposed on a particular channel corresponding

to a particular port)." It would have been obvious to one with ordinary skill in the art at

the time of invention to include the input and output of the tri-state buffer with the

method of claim 1 for the same reasons and motivation as in claim 1.

20

In regard to claim 4, AAPA and Bontemps disclose "[the method] of claim 1".

However, Bontemps lacks "said front card comprises and FE MAC, and said back card

comprises an FE Phy." AAPA however, further discloses "said front card comprises and

FE MAC, and said back card comprises an FE Phy (figure 1, elements 100 and 101)." It

would have been obvious to one with ordinary skill in the art at the time of invention to

include the FE MAC and FE Phy with the method of claim 1 for the same reasons and

5   motivation as in claim 1.

       In regard to claim 5, AAPA and Bontemps disclose "[the method] of claim 4".

However, Bontemps lacks "said front card and said back card are coupled via an MII

bus." AAPA however, further discloses "said front card and said back card are coupled

10   via an MII bus (figure 2, element 114)." It would have been obvious to one with ordinary

skill in the art at the time of invention to include the MII bus with the method of claim 4

for the same reasons and motivation as in claim 4.

       In regard to claim 6, AAPA and Bontemps disclose "[the method] of claim 1".

15   However, AAPA and Bontemps lack "said front card comprises an HDLC control, and

said back card comprises a T1/E1 framer [or] line interface." Although both AAPA and

Bontemps lack "the HDLC control" and "T1/E1 framer or line interface", it would have

been obvious to one with ordinary skill in the art to include these with the method of

claim 1 as a matter of design choice. As can be seen in applicant's specification, page

20   15, lines 5-13 these devices are chosen based on the type of network or on

requirements for communication and not chosen based on applicant's invention.

Therefore, choosing HDLC control versus ATM SAR (as can be seen in Table 1) is a

matter of design choice. The motivation for choosing the different devices would be
based on the type of network and the requirements needed for communication.

In regard to claim 7, AAPA and Bontemps disclose "[the method] of claim 6".

5   However, AAPA and Bontemps lack "said front card and said back card are coupled via
a TDM bus." Although both AAPA and Bontemps lack "said front card and said back
card are coupled via a TDM bus", it would have been obvious to one with ordinary skill
in the art to include this with the method of claim 6 as a matter of design choice. As can
be seen in applicant's specification, page 15, lines 5-13 these coupling means are

10   chosen based on the type of network or on requirements for communication and not
chosen based on applicant's invention. Therefore, choosing a TDM bus versus a MII
bus (as can be seen in Table 1) is a matter of design choice. The motivation for
choosing the different bus would be based on the type of network and the requirements
needed for communication.

15

In regard to claim 8, AAPA and Bontemps disclose "[the method] of claim 1".
However, AAPA and Bontemps lack "said front card comprises an ATM SAR, and said
back card comprises an ATM Phy." Although both AAPA and Bontemps lack "the ATM
SAR" and "ATM Phy", it would have been obvious to one with ordinary skill in the art to

20   include these with the method of claim 1 as a matter of design choice. As can be seen
in applicant's specification, page 15, lines 5-13 these devices are chosen based on the
type of network or on requirements for communication and not chosen based on

applicant's invention. Therefore, choosing ATM SAR versus HDLC control (as can be seen in Table 1) is a matter of design choice. The motivation for choosing the different devices would be based on the type of network and the requirements needed for communication.

5

In regard to claim 9, AAPA and Bontemps disclose "[the method] of claim 8". However, AAPA and Bontemps lack "said front card and said back card are coupled via a Utopia bus." Although both AAPA and Bontemps lack "said front card and said back card are coupled via a Utopia bus", it would have been obvious to one with ordinary skill

10 in the art to include this with the method of claim 8 as a matter of design choice. As can be seen in applicant's specification, page 15, lines 5-13 these coupling means are chosen based on the type of network or on requirements for communication and not chosen based on applicant's invention. Therefore, choosing a Utopia bus versus a MII bus (as can be seen in Table 1) is a matter of design choice. The motivation for

15 choosing the different bus would be based on the type of network and the requirements needed for communication.

In regard to claim 10, AAPA discloses "a communication system having a router, said router having a PCI-compliant front card, said front card begin configured to accept

20 a LAN or WAN compliant back card, an apparatus for detecting the absence of a Phy Layer device on the back card and communicating said absence to the front card (background of specification and figures 1 and 2)..."

However, AAPA lacks "means for switching disposed on the front card

comprising a tri-state buffer wherein said tri-state buffer has an input, an output, and a

switching input wherein said input and output of said tri-state buffer being serially

disposed on said front card and said switching input of said tri-state buffer is configured

5   to be coupled to said back card; said means for switching being configured to receive a

sensing signal from the back card, said sensing signal having a first and second state;

said means for switching being further configured to provide a predetermined signal to

said front card responsive to said state of sensing signal."

Bontemps however, discloses "means for switching disposed on the front card

10   comprising a tri-state buffer wherein said tri-state buffer has an input, an output, and a

switching input wherein said input and output of said tri-state buffer being serially

disposed on said front card and said switching input of said tri-state buffer is configured

to be coupled to said back card; said means for switching being configured to receive a

sensing signal from the back card, said sensing signal having a first and second state;

15   said means for switching being further configured to provide a predetermined signal to

said front card responsive to said state of sensing signal (figure 2, element 222 and

figure 4 where element 222 is the function equivalent of the tri-state buffer by allowing a

select signal to be asserted when a device is detected as can be read in col. 11, lines

25-38)."

20   It would have been obvious to one with ordinary skill in the art at the time of

invention to include the "tri-state buffer" with the front and back cards of AAPA for the

purpose of allowing detection of devices to a port. The motivation being quicker

establishment of communication links through detected devices by eliminating a "trial

and error" approach to appropriately connecting devices.

In regard to claim 12, AAPA and Bontemps disclose "the apparatus of claim 10".

5   However, Bontemps lacks "said front card comprises and FE MAC, and said back card

comprises an FE Phy." AAPA however, further discloses "said front card comprises and

FE MAC, and said back card comprises an FE Phy (figure 1, elements 100 and 101)." It

would have been obvious to one with ordinary skill in the art at the time of invention to

include the FE MAC and FE Phy with the apparatus of claim 10 for the same reasons

10   and motivation as in claim 10.

In regard to claim 13, AAPA and Bontemps disclose "the apparatus of claim 12".

However, Bontemps lacks "said front card and said back card are coupled via an MII

bus." AAPA however, further discloses "said front card and said back card are coupled

15   via an MII bus (figure 2, element 114)." It would have been obvious to one with ordinary

skill in the art at the time of invention to include the MII bus with the apparatus of claim

12 for the same reasons and motivation as in claim 12.

In regard to claim 14, AAPA and Bontemps disclose "the apparatus of claim 10".

20   However, AAPA and Bontemps lack "said front card comprises an HDLC control, and

said back card comprises a T1/E1 framer [or] line interface." Although both AAPA and

Bontemps lack "the HDLC control" and "T1/E1 framer or line interface", it would have

been obvious to one with ordinary skill in the art to include these with the apparatus of

claim 10 as a matter of design choice. As can be seen in applicant's specification, page

15, lines 5-13 these devices are chosen based on the type of network or on

requirements for communication and not chosen based on applicant's invention.

5   Therefore, choosing HDLC control versus ATM SAR (as can be seen in Table 1) is a

matter of design choice. The motivation for choosing the different devices would be

based on the type of network and the requirements needed for communication.

         In regard to claim 15, AAPA and Bontemps disclose "the apparatus of claim 14".

10   However, AAPA and Bontemps lack "said front card and said back card are coupled via

a TDM bus." Although both AAPA and Bontemps lack "said front card and said back

card are coupled via a TDM bus", it would have been obvious to one with ordinary skill

in the art to include this with the apparatus of claim 14 as a matter of design choice. As

can be seen in applicant's specification, page 15, lines 5-13 these coupling means are

15   chosen based on the type of network or on requirements for communication and not

chosen based on applicant's invention. Therefore, choosing a TDM bus versus a MII

bus (as can be seen in Table 1) is a matter of design choice. The motivation for

choosing the different bus would be based on the type of network and the requirements

needed for communication.

20

         In regard to claim 16, AAPA and Bontemps disclose "the apparatus of claim 10".

However, AAPA and Bontemps lack "said front card comprises an ATM SAR, and said

back card comprises an ATM Phy." Although both AAPA and Bontemps lack "the ATM

SAR" and "ATM Phy", it would have been obvious to one with ordinary skill in the art to

include these with the apparatus of claim 10 as a matter of design choice. As can be

seen in applicant's specification, page 15, lines 5-13 these devices are chosen based

5   on the type of network or on requirements for communication and not chosen based on

applicant's invention. Therefore, choosing ATM SAR versus HDLC control (as can be

seen in Table 1) is a matter of design choice. The motivation for choosing the different

devices would be based on the type of network and the requirements needed for

communication.

10

In regard to claim 17, AAPA and Bontemps disclose "the apparatus of claim 10".

However, AAPA and Bontemps lack "said front card and said back card are coupled via

a Utopia bus." Although both AAPA and Bontemps lack "said front card and said back

card are coupled via a Utopia bus", it would have been obvious to one with ordinary skill

15   in the art to include this with the apparatus of claim 10 as a matter of design choice. As

can be seen in applicant's specification, page 15, lines 5-13 these coupling means are

chosen based on the type of network or on requirements for communication and not

chosen based on applicant's invention. Therefore, choosing a Utopia bus versus a MII

bus (as can be seen in Table 1) is a matter of design choice. The motivation for

20   choosing the different bus would be based on the type of network and the requirements

needed for communication.

In regard to claim 18, AAPA discloses "an apparatus for detecting the absence of a LAN or WAN compliant device, said apparatus comprising: a PCI-compliant front card, said front card being configured to accept a LAN or WAN compliant back card (Background section of the specification and figures 1 and 2)..."

5   However, AAPA lacks "said front card further having a switch, said switch being a tri-state buffer and being serially disposed on a IDSEL connection corresponding to a particular channel on said front card, said switch being further configured to receive a sensing signal corresponding to said channel from said device by switching input of said tri-state buffer; and wherein said apparatus is configured to couple said IDSEL

10   connection to said front card if said sensing signal is in a first state, and provide a low potential to said front card if said sensing signal is in a second state."

Bontemps however, discloses "said front card further having a switch, said switch being a tri-state buffer and being serially disposed on a IDSEL connection corresponding to a particular channel on said front card, said switch being further

15   configured to receive a sensing signal corresponding to said channel from said device by switching input of said tri-state buffer (figure 2, element 222 and figure 4 where element 222 is the function equivalent of the tri-state buffer by allowing a select signal to be asserted when a device is detected as can be read in col. 11, lines 25-38;); and wherein said apparatus is configured to couple said IDSEL connection to said front card

20   if said sensing signal is in a first state, and provide a low potential to said front card if said sensing signal is in a second state (col. 11, lines 25-38; it is noted that although Bontemps does not disclose the sensing signal to be low when the select signal is

coupled, it is a matter of design choice how the sensing signal is interpreted because there are only two states and if one state, such as low, affects the response of coupling, then the other state, in this case high, will result in the decoupling or opposite response; it is also noted that although the "toggle state" of Bontemps is not consistently providing

5   a "logical low" in response to a given state of the sensing line, it is providing the same effect of decoupling the select line)."

It would have been obvious to one with ordinary skill in the art at the time of invention to include the "tri-state buffer" and the "coupling of the IDSEL line" with the front and back cards of AAPA for the purpose of allowing detection of devices to a port.

10   The motivation being quicker establishment of communication links through detected devices by eliminating a "trial and error" approach to appropriately connecting devices.

In regard to claim 19, AAPA and Bontemps disclose "the apparatus of claim 18". However, Bontemps lacks "said front card comprises and FE MAC, and said back card

15   comprises an FE Phy." AAPA however, further discloses "said front card comprises and FE MAC, and said back card comprises an FE Phy (figure 1, elements 100 and 101)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the FE MAC and FE Phy with the apparatus of claim 18 for the same reasons and motivation as in claim 18.

20

In regard to claim 20, AAPA and Bontemps disclose "the apparatus of claim 19". However, Bontemps lacks "said front card and said back card are coupled via an MII

bus." AAPA however, further discloses "said front card and said back card are coupled

via an MII bus (figure 2, element 114)." It would have been obvious to one with ordinary

skill in the art at the time of invention to include the MII bus with the apparatus of claim

19 for the same reasons and motivation as in claim 19.

5

In regard to claim 21, AAPA and Bontemps disclose "the apparatus of claim 20".

However, AAPA and Bontemps lack "said front card comprises an HDLC control, and

said back card comprises a T1/E1 framer [or] line interface." Although both AAPA and

Bontemps lack "the HDLC control" and "T1/E1 framer or line interface", it would have

10   been obvious to one with ordinary skill in the art to include these with the apparatus of

claim 20 as a matter of design choice. As can be seen in applicant's specification, page

15, lines 5-13 these devices are chosen based on the type of network or on

requirements for communication and not chosen based on applicant's invention.

Therefore, choosing HDLC control versus ATM SAR (as can be seen in Table 1) is a

15   matter of design choice. The motivation for choosing the different devices would be

based on the type of network and the requirements needed for communication.

In regard to claim 24, AAPA and Bontemps disclose "the apparatus of claim 18".

However, AAPA and Bontemps lack "said front card and said back card are coupled via

20   a Utopia bus." Although both AAPA and Bontemps lack "said front card and said back

card are coupled via a Utopia bus", it would have been obvious to one with ordinary skill

in the art to include this with the apparatus of claim 18 as a matter of design choice. As

can be seen in applicant's specification, page 15, lines 5-13 these coupling means are

chosen based on the type of network or on requirements for communication and not

chosen based on applicant's invention. Therefore, choosing a Utopia bus versus a MII

bus (as can be seen in Table 1) is a matter of design choice. The motivation for

5   choosing the different bus would be based on the type of network and the requirements

needed for communication.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA

and Bontemps et al. as applied to claim 18 above, and in further view of Frischknecht et

10   al. (U.S. Patent 5,878,044).

Regarding claim 22, AAPA and Bontemps disclose the apparatus of claim 18.

However, AAPA and Bontemps lack what Frischknecht discloses, that is "said front card

and said back card are coupled via a TDM bus (col. 4, lines 19-20)." It would have been

obvious to one with ordinary skill in the art at the time of invention to include the TDM

15   bus between the back card and front with the apparatus of claim 18 for the purpose of

multiplexing many signals into one signal (Frischknecht, col. 1, lines 31-34). The

motivation for this being that multiplexing many signals into one signal allows greater

throughput than just one signal.

20   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA

and Bontemps et al. as applied to claim 20 above, and further in view of Nattkemper et

al. (U.S. Patent 5,953,318).

Regarding claim 23, AAPA and Bontemps disclose the apparatus of claim 20.

However, AAPA and Bontemps lack what Nattkemper discloses, that is "said front card

comprises an ATM SAR, and said back card comprises an ATM Phy (figure 2, elements

32 and 31)." It would have been obvious to one with ordinary skill in the art at the time of

5   invention to include the ATM SAR and ATM Phy with the apparatus of claim 20 for the

purpose of allowing information to be transmitted and packaged using the ATM

standard (Frischknecht, col. 5, lines 33-41). The motivation being that ATM provides a

fast means for transmitting data.

10   *Response to Arguments*

Applicant's arguments filed 30 August 2004 have been fully considered but they

are not persuasive.

Applicant argues that Bontemps fails to read on the claimed invention because

Bontemps is teaching "a method of detection of a device to a port and not the presence

15   of the port on the router, and thus neither are all elements of the claim met nor is there a

suggestion to combine or modify the references." The examiner respectfully disagrees.

As read in claim 1, lines 3-4 (and all other independent claims), and the

specification, page 7, lines 1-4, "detecting the absence of a Phy Layer device" is what

applicant's invention pertains to and is the very subject matter in the claims. This very

20   idea of detecting a physical device is exactly what Bontemps discloses in col. 3, lines

66-col. 4, as acknowledged by applicant (see REMARKS, page 8, first and second

paragraphs).

Further, applicant asserts that, "there is no mention here or elsewhere in

Bontemps of detecting the presence of a port on a router." Applicant's claims and

specification make no mention of detecting a port on a router, there is only the detection

of a "Phy Layer device." Therefore, AAPA in combination with Bontemps fully reads on

5   applicant's claimed invention and the rejections are proper and maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

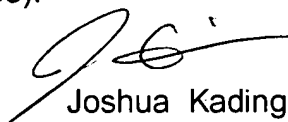policy as set forth in 37 CFR 1.136(a).

10   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

15   extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

20   examiner should be directed to Joshua Kading whose telephone number is (571) 272-

3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

5   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

10   you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Joshua Kading
Examiner
Art Unit 2661

January 6, 2005
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**BOB PHUNKULH
PRIMARY EXAMINER**